

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

W.E. AUBUCHON CO., INC., AUBUCHON)	
DISTRIBUTION, INC., W.E. AUBUCHON)	
CO. INC. EMPLOYEE MEDICAL)	C.A. No. 05-40159FDS
BENEFIT PLAN, and AUBUCHON)	(Louis M. Ciavarra BBO# 546481)
DISTRIBUTION, INC. EMPLOYEE)	(James P. Hoban BBO #633929)
MEDICAL BENEFIT PLAN)	(Colleen E. Cushing BBO# 663498)
Plaintiffs,)	
)	
v.)	
)	
)	
BENEFIRST, LLC,)	
Defendant.)	

**JOINT MOTION TO EXTEND SUMMARY JUDGMENT
DEADLINES FOR TWO WEEKS AND TO
CONTINUE HEARING SET FOR SEPTEMBER 11, 2008**

Plaintiffs, W.E. Aubuchon Co., Inc., Aubuchon Distribution, Inc., W.E. Aubuchon Co., Inc. employee Medical Benefit Plan, and Aubuchon Distribution, Inc. Employee Medical Benefit Plan (sometimes "Plaintiffs"), and Defendant Benefirst, LLC ("Benefirst")(collectively the "Parties") move this Court for an Order extending the deadlines by which to file responses to motions for summary judgment and reply briefs, and to continue the hearing on summary judgment currently set for September 11, 2008. As grounds for this motion, the Parties state as follows:

1. The attorney primarily responsible for preparing plaintiff's case and opposing Benefirst's Motion for Summary Judgment on behalf of the plaintiffs left the firm of Bowditch & Dewey last week, on two weeks' notice. As such, a new attorney will be assuming those responsibilities and a brief enlargement is necessary to allow the attorney to familiarize himself with the facts and legal issues presented by Benefirst's motion and to prepare an opposition.

2. A brief enlargement of the deadline will not unduly delay the preparation and resolution of this case or prejudice the rights of any party.

3. Benefirst joins in this motion.

4. Based on the foregoing, the Parties request that each of the remaining summary judgment deadlines be extended two weeks, as follows:

	<u>Current Date</u>	<u>Proposed Extended Date</u>
Responses to Motions for Summary Judgment	August 13, 2008	August 27, 2008
Reply Memoranda	August 28, 2008	September 11, 2008
Hearing on Motions for Summary Judgment	September 11, 2008	September 24 2008, or other such date convenient for the Court.

WHEREFORE, the parties respectfully request that this Honorable Court extend the current deadlines for filing responses to dispositive motions and reply memoranda by two weeks to August 27, 2008, and September 11, 2008, respectively, continue the hearing in dispositive motions currently set for September 11, 2008, to September 24, 2008, or such other date as is convenient for the Court, and grant such other relief as the Court deems just and appropriate.

W.E. AUBUCHON CO., INC.,
AUBUCHON DISTRIBUTION, INC.,
W.E. AUBUCHON CO., INC. EMPLOYEE
MEDICAL BENEFIT PLAN, and
AUBUCHON DISTRIBUTION, INC.
EMPLOYEE MEDICAL BENEFIT PLAN

By their attorneys,



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Date: August __, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 5, 2008.



James P. Hoban